

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of American Gas)	Application No. NG-0026
Supply, Ltd. (Heartland),)	
Houston, Texas, seeking)	
authority, and to include)	
Temporary Authority, for a)	AUTHORITY GRANTED
Competitive Natural Gas Provider)	
Certificate in the state of)	
Nebraska.)	Entered: March 8, 2005

BY THE COMMISSION:

By application filed January 31, 2005, American Gas Supply (Heartland), Ltd. (AGS or Applicant), Houston, Texas, seeks authority as a competitive natural gas provider (CNGP) in the state of Nebraska. Notice of the application was published in the Daily Record, Omaha, Nebraska, on February 1, 2005. The applicant also sought temporary authority by motion filed on February 22, 2005, notice of which was published in the Daily Record on February 23, 2005.

The deadline for filing a protest or petition for intervention was March 3, 2005. On March 3, 2005, the Public Advocate, Roger Cox, filed a petition for formal intervention. On March 7, 2005, the Public Advocate filed a Waiver of Further Formal or Informal Discovery and Possible Contested Hearing, which indicates that he has reviewed the proprietary filings included with the application and the report of Commission Staff Accountant Steven G. Stovall regarding the application. Because further no protests or petitions for intervention are pending, the Commission may process this application by modified procedure, pursuant to the Commission Rules of Procedure, 291 Neb. Admin. Code, Ch. 1, Rule 018.03.

O P I N I O N A N D F I N D I N G S

The Commission finds that it has jurisdiction pursuant to Neb. Rev. Stat. §§ 66-1848 to 66-1849 (2003 Supp.). Section 66-1849 provides in part:

The commission shall certify all competitive natural gas providers and aggregators providing natural gas services. In an application for certification, a competitive natural gas provider or aggregator shall reasonably demonstrate managerial, technical, and financial capability sufficient to obtain and deliver the services such provider or aggregator proposes to offer. The commission may establish reasonable conditions or restrictions on the certificate at the time of issuance.

In addition, Commission rules and regulations specify requirements for an application for authority as a CNGP. See, 291 Neb. Admin. Code, Ch. 9, Rule 009.

In support of its application, AGS submitted a copy of an audited financial statement. AGS also provided a copy of its Certificate of Authority to Transact Business in Nebraska. AGS has not had any legal action or formal complaints pertaining to the provision of competitive natural gas services filed against the company within the twelve months prior to filing this application, nor has it had a license or certificate to supply competitive natural gas services revoked, denied or withdrawn.

In addition, AGS submitted the biographies of the members of its management team: Ronald D. Campbell - Manager and A. Anthony Annunziato - Manager. The biographies detailed the educational and professional background of each individual.

Commission Staff Accountant Steve Stovall submitted an affidavit attesting that the financial statements submitted provide evidence of adequate financial resources necessary to obtain and deliver the services the Applicant proposes to offer.

Although temporary authority was sought as described above, consideration of the request is no longer necessary as the present order grants authority.

Based upon the information provided in the application and by affidavits, the Commission finds that the provisions of Neb. Rev. Stat. §§ 66-1848, 66-1849 and applicable Commission rules and regulations are met. AGS's application for authority should be granted, and AGS should be issued a certificate of authority as a competitive natural gas provider consistent with the conditions set forth in this order.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the application for authority is hereby granted.

IT IS FURTHER ORDERED that this order be, and it is hereby made, the Commission's official certificate of authority to furnish the service authorized herein as a competitive natural gas provider.

MADE AND ENTERED at Lincoln, Nebraska, this 8th day of March, 2005.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director